IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1267 OF 2007

In

APPEAL NO. 158 OF 2007

IN

S.C. SUIT NO. 1688 OF 1997

Wency Bona Remedies .. Applicant

versus

Mumtaz Hussain Sayed .. Respondent

...

Mr.Bhavesh Parmar for the applicant.

Mr.Dinkar Rao for the respondent.

CORAM : R.M.S. KHANDEPARKAR

AND D.G.KARNIK, JJ

DATED : 9th April 2007.

P.C.:

1. Taken up on board on request.

2. Heard the learned advocates for the parties. Undisputedly, the suit for specific performance has

been dismissed. The appellant lost the possession of the premises in question pursuant to the eviction order by the competent authority passed under the Rent Act. The appellant did not file any appeal against the said eviction order. During the pendency of the suit, undisputedly, neither the appellant had asked for any relief for temporary nature nor there was any appointment of receiver in relation to the suit property. Prima facie in view of the above facts and on account of the dismissal of the suit for specific performance, there is no case made out for grant of any interim relief in the nature asked for. Hence, Notice of Motion is hereby dismissed.

(R.M.S. KHANDEPARKAR, J)

(D.G. KARNIK, J)